

REMARKS

Claims 1-16, and 25 are pending and rejected. Claim 25 is canceled without prejudice.

New dependent claims 28-37 are added; support is at least at page 18, lines 10 –13 and no new matter has been added. The new claims depend from independent claims and recite additional limitations; the independent claims are rejected only by double-patenting. A Terminal Disclaimer has been filed, thus all claims are believed to be allowable.

DOUBLE PATENTING

Claims 1-16, and 25 are rejected under obviousness-type double patenting over claims 1, 2, 5-11, 26, and 32 of co-pending Application Serial No. 10/107,761.

Applicant submits a Terminal Disclaimer to U.S. Application Serial No. 10/107,761 as part of this Amendment. Applicant believes this rejection is overcome and respectfully requests its withdrawal.

CLAIM REJECTION UNDER 35 U.S.C. §102

Claim 25 is rejected under 35 U.S.C. §102(e) as anticipated by Guyer. Applicant respectfully but emphatically disagrees for at least the reasons of record. However, solely to facilitate prosecution, applicant has canceled claim 25 without prejudice, rendering the rejection moot. Applicant reserves the right to pursue claim 25 in a related application.

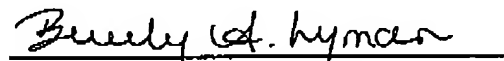
CONCLUSION

For the above reasons, applicant respectfully requests that these rejections be withdrawn and asserts that the application is in complete condition for allowance.

Applicant authorizes the Examiner to charge \$55.00, the fee for a small entity the Terminal Disclaimer, to Deposit Account No. 23-3000. Applicant believes that no other fees are due with this submission. However, should any fees or surcharges be deemed necessary, the Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to telephone applicant's undersigned representative with any questions.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.


Beverly A. Lyman, Ph.D.
Reg. No. 41,961

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513 241 2324
513 421 7269 facsimile